

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMY TAYLOR,

Plaintiff,

v.

HARVEY C. HARBAUGH AND
PATRICIA M. HARBAUGH, AND THE
MARITAL COMMUNITY COMPOSED
THEREOF; AND CARRIAGE ESTATES
MH 55 + LLC;

Defendants.

Case No. 2:19-cv-01761-MJP

PRETRIAL ORDER

I. JURISDICTION

Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 3601, in that the federal claims alleged in this action arise under the federal Fair Housing Act. The state claims asserted herein fall within this Court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367. Venue is proper pursuant to 28 U.S.C. § 1391(b) in that the claims arose within the County of Skagit, Washington.

II. CLAIMS AND DEFENSES

The plaintiff will pursue at trial the following claims:

1. Discrimination against plaintiff because of disability in violation of 42 U.S.C. § 3604(f)(1) ;

3. Defendants Harvey Harbaugh and Patricia Harbaugh are citizens of the United States residing in King County in the State of Washington.

4. Patricia Harbaugh is the governor of Carriage Estates.

5. Defendants Harvey Harbaugh and Patricia Harbaugh are the owners of the Carriage Estates Mobile Home Park, located in Skagit County in the State of Washington.

6. Patricia Harbaugh manages Carriage Estates, and the Carriage Estates Mobile Home Park.

7. Ms. Taylor is a former tenant of defendants.

IV. ISSUES OF LAW

The following are the issues of law to be determined by the court:

1. Whether Plaintiff Amy Taylor has carried her burden of proving that a discriminatory reason motivated Defendant's decision to deny Mr. Farrington from serving as Ms. Taylor's caregiver in violation of the Fair Housing Act, 42 U.S.C. § 3601, et seq., and the Washington Law Against Discrimination, Chapter 49.60 RCW.

2. Whether Plaintiff Amy Taylor has carried her burden of proving that she was injured plaintiffs by committing discriminatory housing practices.

3. Whether Plaintiff Amy Taylor has carried her burden of proving that she is disabled, that Defendants were aware of her disability; that having Ethan Farrington serve as a caregiver to her would be a reasonable accommodation; and whether Defendants refused to make a reasonable accommodation.

4. Whether Defendants breached their affirmative duty to open a dialogue to discuss a reasonable accommodation with Plaintiff Amy Taylor.

5. Whether Plaintiff Amy Taylor has carried her burden of proving that Defendants coerced, intimidated, threatened, or interfered with any right guaranteed to her by the Fair Housing Act, 42 U.S.C. § 3601.

1 6. Whether legitimate, non-discriminatory reasons exist for the actions of
2 Defendants such that liability would not attach even in the event Plaintiff is able to make a prima
3 facie case under *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817 (1973).

4 **V. EXPERT WITNESSES**

5 No expert witnesses are to be called at trial.

6 **VI. OTHER WITNESSES**

7 1. On behalf of plaintiff:

8 a. Amy Taylor, 5355 River Road N, Keizer, OR; will testify concerning the
9 discriminatory acts committed by defendants, the discrimination, harassment, and retaliation she
10 was subjected to, and damages.

11 b. Garry Taylor, PO Box 448, Sedro Woolley, WA will testify concerning
12 the discriminatory acts committed by defendants, the discrimination, harassment, and retaliation
13 plaintiff was subjected to, and damages.

14 c. Ethan Farrington, PO Box 448, Sedro Woolley, WA; will testify
15 concerning the care he provided to plaintiff, his attempts to be approved by defendants as
16 caregiver, defendants' allegations as to his compliance with community rules, and damages.

17 d. Melinda Farrington, 2967 Cedar Lane, Sedro-Woolley, WA; will testify
18 concerning allegations of community rules violations, and damages.

19 e. Jasmine Farrington, 2967 Cedar Lane, Sedro-Woolley, WA; will testify
20 concerning allegations of community rules violations, and damages.

21 f. Deanne Cameron; Ms. Cameron will testify concerning home health care
22 provided to plaintiff, and a conversation she had with Patricia Harbaugh.

23 g. Thomas Hastings, 884 Carriage Ct., Unit 43, Sedro-Woolley, WA; may
24 testify as to his role as on-site manager of Carriage Estates.

25 h. Patricia Harbaugh, P.O. Box 1774, Woodinville, WA; will testify as to
discriminatory acts, harassment, and retaliatory acts.

2. On behalf of defendant:

a. **Patricia Harbaugh** will testify concerning all pertinent aspects of her experience and management in general as well as that of Carriage Estates. Ms. Harbaugh will testify concerning her knowledge of and compliance with applicable authorities, as well as the legitimate, non-discriminatory reasons for Defendants' acts and omissions as they reference or relate to Plaintiff's allegations. Finally, Ms. Harbaugh will testify as to all relevant personal observations as are or may become relevant in the defense of this action at trial.

b. **Ron Biggerstaff** was a neighbor of Plaintiff's during the relevant time period and may testify concerning all relevant personal observations and interactions as are or may become relevant in the defense of this action at trial.

c. **Eileen Biggerstaff** was a neighbor of Plaintiff's during the relevant time period and will testify concerning all relevant personal observations and interactions as are or may become relevant in the defense of this action at trial.

d. **Thomas Hastings** managed the property at Carriage Estates during the relevant time period and will testify concerning his relevant background and experience, as well as all relevant personal observations and interactions as are or may become relevant in the defense of this action at trial.

e. **Leta Hastings** may testify concerning all relevant personal observations and interactions as are or may become relevant in the defense of this action at trial.

VII. EXHIBITS

Plaintiff's Exhibits

Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
1	Lease				X
2	Park Rules				X
3	2015-10-28 Taylor Census				X

4	2014-12-5 Jacobsen Census				X
5	2017-1-18 Jacobsen Census				X
6	2015-12-9 LTR Harbaugh to clients				X
7	2017-10-6 Dr. Teackle Martin Letter		X	A, C, D, F	
8	2017-10-23 Dr. Johnson note		X	A, C, D, F	
9	2017-10-26 Dr. Romano Letter		X	A, C, D, F	
10	2017-10-11 Background screen application				X
11	2017-10-11 Background screen release [pending redaction]				X
12	2017-1-9 Screening Report		X	A, C, D, F	
13	Rejection Application Tenancy				X
14	2017-11-27 3 day notice quit				X
15	2017-12-15 3 day notice quit				X
16	2018-1-11 Housing Discrimination Complaint		X	A, C, F	
17	Defendant Interrogatory Answers				X
18	2015-10-15 Real Estate Excise Tax Affidavit		X	C, D, F, MIL	
19	2019-5-29 Real Estate Excise Tax Affidavit		X	C, D, F, MIL	
20	2019-10-2 Real Estate Excise Tax Affidavit		X	C, D, F, MIL	

Defendant's Exhibits

Ex. #	Description	Authenticity	Admissibility	Objection	Admitted
121	Park Resident Bi-Annual 55+ HUD Verification of Occupancy Forms 2015-2019				X
122	Taylor Bi-Annual 55+ HUD Verification of Occupancy Forms 2015-2017				X
123	Taylor RFA Answers				X
124	Taylor Interrogatory Answers				X
125	2016-06-28 Biggerstaff Letter		X	A, D	
126	2016-08-10 Biggerstaff Letter		X	A, D, F	
127	2017-07-06 Biggerstaff Letter		X	A, D, F	
128	2018-03-03 Biggerstaff Letter				X
129	2018-08-05 Biggerstaff Letter		X	A, B, C, D, F	
130	2018-09-24 Biggerstaff Letter		X	C, D	
131	2018-10-02 Biggerstaff Letter		X	A, B, C, D, F	
132	2017-07-12 Carriage Estates Letter to Taylor		X	B, C, D, E, F	
133	2017-10-05 Carriage Estates Letter to Taylor				X
134	2017-10-09 Carriage Estates Letter to Taylor				X

135	2017-11-13 Carriage Estates Letter to Taylor		X	A, D, F, MIL	
136	2017-11-28 Carriage Estates Letter to Taylor		X	A, C, D, F, MIL	
137	2017-12-04 Carriage Estates Letter to Taylor				X
138	2018-01-18 Carriage Estates Letter to Taylor				X
139	Photos of Taylor Lot	X	X	C, D	
140	Photos of Carriage Estates Community	X	X	C, D	

Objection Code

MIL	Subject of Motion in Limine
A	Hearsay (Fed. R. Evid. 802)
B	Opinion (Fed. R. Evid. 701)
C	Relevance (Fed. R. Evid. 403)
D	Foundation (Fed. R. Evid. 602)
E	Exhibit constitutes attempted expert testimony from a person not designated as an expert (Fed. R. Civ. P. 26)
F	Contains inadmissible matter

VIII. ACTION BY THE COURT

- a. This case is scheduled for trial before a jury on April 19, 2021, at 9:00 AM.
- b. Trial briefs shall be submitted to the court on or before March 30, 2021.
- c. Jury instructions requested by either party shall be submitted to the court on or before March 30, 2021. Suggested questions of either party to be asked of the jury by the court on voir dire shall be submitted to the court on or before March 30, 2021.

d. The entire trial will take place using the ZoomGov.com platform. This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

DATED this 14th day of April, 2021.


United States District Judge

FORM APPROVED

DATED: March 31, 2021

BY: s/
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